



## Sonoma County Board of Zoning Adjustments STAFF REPORT

**FILE:** PLP17-0029  
**DATE:** 07/19/2018  
**TIME:** 2:00 PM  
**STAFF:** Brian Keefer

Appeal Period: 10 calendar days

### SUMMARY

**Applicant:** Dry Creek General Store, Chuck Conner, Project Manager

**Land Owner:** Amy M. Gallo Et Al Trust

**Store Owner:** DCGS, LLC

**Location:** 3485 Dry Creek Road, Healdsburg

**APNs:** 090-160-029

**Supervisory District No.:** 4

**Subject:** Use Permit and Design Review

**PROPOSAL:** Request for a Use Permit for a small alcoholic beverage retail establishment for the historic Dry Creek Store, a legal non-conforming general store and bar, and Design Review approval for a site plan for site improvements to circulation, parking, and a new trash enclosure. The parcel is 0.38 acres and served by a private septic system and well.

### **Environmental**

**Determination:** Categorically Exempt per CEQA Guidelines section 15301 (Existing Facilities)

**General Plan:** Limited Commercial

**Specific/Area Plan:** None

**Land Use:** LC

**Ord. Reference:** Section 26-36-020 (ff), Section 26-88-195 (a), and Section 26-88-195 (e)



**Zoning:** LC (Limited Commercial), HD (Historic District), SR (Scenic Resources), VOH (Valley Oak Habitat)

**Application Complete**

**for Processing:** July 5, 2017

**RECOMMENDATION:** Recommend that the Board of Zoning Adjustments approve the request for a use permit for a small alcoholic beverage retail establishment and the Design Review for the site plan, with recommended conditions of approval, delegating final design review of site improvements to staff.

**EXECUTIVE SUMMARY:** The Dry Creek General Store has a long history of serving beer and wine at the bar, selling dry goods, beer and wine for off-site consumption, and prepared food for on-site consumption or take out with evening community barbecues. In January 2017, the Alcoholic Beverage Control suspended the Store's alcohol sales license for non-compliance. The suspension lasted longer than 45 days. Sonoma County Zoning Code Section 26-88-195 (e) requires a Use Permit to resume alcoholic beverage sales following a suspension greater than forty-five (45) days. On 25 May 2017, the applicant submitted a request for a Use Permit for a small alcoholic beverage retail establishment.

On 30 June 2017, the Store voluntarily submitted an application for design review to approve site and frontage improvements to provide more organized parking, establish a formalized trash enclosure, provide an ADA parking space and access to the store, and other minor site improvements to help manage customers (ADR17-0075). On 1 November 2017, the Design Review Committee recommended adjustments to the proposed plan to accommodate neighbors' concerns. The applicant worked with staff and the neighbors to incorporate revisions to the plan, and staff supports the improvement plans and the Use Permit for alcohol sales with the recommended conditions.

**ANALYSIS**

**Background:**

The Dry Creek General Store and Bar (Store) has been operating at this site since 1881. During that time it has provided a number of goods and services that were appropriate to the era. As Sonoma County Historic Landmark No. 44, the uses are well-documented. The Store has always sold and served alcohol, including during the Prohibition era as a speakeasy, but recently the State Department of Alcoholic Beverage Control (ABC) issued a suspension of the Store's license for patrons leaving the controlled area of the premises with open containers and serving alcohol when food service was no longer available. While this was a minor suspension, more than 45 days elapsed before the ABC reinstated the Store's license, and the County's Zoning Code requires a Use Permit to re-establish alcohol sales after a suspension greater than 45 days. On 25 May 2017, the applicant submitted an application for a Use Permit to re-establish the small alcoholic beverage retail establishment (UPE17-0028).

In recent years, the store has experienced an increase in popularity, which has created additional pressure on parking, and has resulted in conflict with neighbors and a history of complaints. In an attempt to address the neighbors' concerns and manage the higher numbers of customers to reduce strain on the neighborhood, the Store submitted a design review application for site and frontage improvements discussed above. The Design Review Committee recommended revisions in response to neighbors' concerns.

Staff facilitated a subsequent meeting with the applicants and the immediate neighbors of the Store to discuss the site improvements and management adjustments to address the neighbors' concerns. Staff then worked with the applicant to further refine the site plan and incorporate management approaches to control the parking and behavior of the patrons, as well as limit hours for disposing of glass in dumpsters in respect for the neighbors' peace and quiet. The revised project description, site plan for onsite and street frontage improvements, and recommended conditions of approval reflect these solutions.

**Project Description:****Use Permit:**

The Zoning Code defines an alcoholic beverage retail establishment as "a liquor store, convenience store, market, or other retail establishment that sells alcoholic beverages for off-premise consumption, but not winery tasting rooms," and a "small alcoholic beverage retail establishment" has less than ten thousand (10,000) square feet of floor area (See SCC § 26-02-010.). The building area of the Dry Creek Store totals approximately 3,500 square feet.

While the Zoning Code contains extensive requirements for small alcoholic beverage retail establishments, the Dry Creek Store has a long-established use of selling and serving alcohol in its historic landmark structure. Some of the requirements could be challenging if not impossible to meet given the physical limitations of the historic property. In light of the long-established historic business, the applicant is requesting some flexibility. This requested use permit includes the existing bar, but specifically excludes the use of a restaurant serving alcohol, cocktail lounge, and amplified loud music.

**Design Review:**

- The remodeling of the trash enclosure, and relocating it back to the original location of the dumpsters (See Exhibit D).
- Relocation of the smoker to create separation from the trash enclosure and to provide better control.
- Improvements to formalize the parking area and provide an accessible parking space and path of travel.
- Driveway improvements to make the 12 foot wide driveway one-way for better flow and egress.

- Better definition of the store and neighbor's driveway to discourage store patrons from entering or blocking the neighbor's driveway.
- A 5-foot walkway across the driveway to provide a clear path from frontage parking.
- Extension of the bike lane along the property frontage.
- A designated on-site areas for bicycle and motorcycle parking.
- General frontage improvements within Dry Creek Road right-of-way for parking and driveway.

**Note:** The Store and subject parcel are oriented in a northwest-southeast direction. For clarity, this report considers Dry Creek Road to run north and south, and references to direction are consistent with this.

#### **Site Characteristics:**

The Dry Creek General Store is located on a 0.38 acre parcel at the intersection of Dry Creek Road and Lambert Bridge Road and has been at this site since 1881. The main structure is approximately 4,400 SF, including the Store and bar at 3,500 SF, and a small legal-nonconforming residence also serving as an accessory office space in the rear. The property slopes up from Dry Creek Road towards the east. The property is developed with the 4,400 SF structure Store and residence building, a small, approximately 250 SF storage building (previously a bait shop), a trash enclosure, and a small greenhouse. The rest of the site is devoted to parking and driveway and a garden/picnic area located behind the Store. The property's private septic leach field is located on a neighboring property via an easement across the adjacent property. Overall the Store is rustic, retaining the historic look of an old country store. No interior or exterior changes to the Store itself are proposed, other than the installation of a wheelchair access ramp.

#### **Surrounding Land Use and Zoning:**

The surrounding area is mostly vineyards with a few smaller parcels utilized as rural residential properties with no agricultural uses.

East: LIA (Land Intensive Agriculture) 20 acres per dwelling unit, Z (Accessory Dwelling Unit Exclusion), RC 50/50 (Riparian Corridor 50 foot setback for structures/50 foot setback for agriculture), SR (Scenic Resources for both a Scenic Corridor and a Scenic Land scape Unit), VOH (Valley Oak Habitat).

South: The same as to the north although further east the density changes to 40 acres per dwelling unit.

West: The same as to the East.

North: The same as to the East.



## **DISCUSSION OF ISSUES**

### **Issue #1: General Plan Consistency**

The site has a Limited Commercial General Plan designation. This designation allows a wide variety of commercial uses, particularly focused on providing retail services for the local area. This Land Use designation covers six Zoning Districts: CO (Administrative and Professional Office), C1 (Neighborhood Commercial), PC (Planned Community), AS (Agricultural Services), LC (Limited Commercial), and CR (Commercial Rural).

This parcel is subject to General Plan policy LU-13c. LU-13c prohibits “additional development” in three specified locations designated as Limited Commercial from including restaurants, including the subject site. The policy reads:

*Policy LU-13c: Additional development in the "Limited Commercial" category for the Alexander Valley Store, Dry Creek Store, and Jimtown Store shall not include lodgings or restaurants and shall not adversely affect adjacent agricultural or resource uses.*

No additional development is proposed at Dry Creek Store. The Store has provided food and alcohol sales and had a bar, delicatessen, and community barbecues for many years, including its original use as a stage stop.

Food and meals in some format have always been included as part of the uses. Permit Sonoma previously determined that the delicatessen at the Dry Creek Store is not a restaurant. Given the current trend for grocery stores (i.e., Raley's, Safeway, Oliver's Markets, Whole Foods, etc.) to provide more and more pre-prepared foods, and some restaurants placing more emphasis on take-out, the line has gotten quite blurred. However, it appears that the Dry Creek Store has maintained the food use as a pre-prepared/prepare as ordered (sandwiches, etc.) service where people order at the counter and either take the food away or eat in the picnic area. A formal restaurant has sit-down service where wait staff serve the meals, but the Dry Creek Store does not. This application does not include a restaurant; therefore, the current and proposed uses are in compliance with this policy.

### **Issue #2: Zoning Consistency**

The parcel's zoning designation is LC (Limited Commercial) with the HD (Historic District), SR (Scenic Resources), and VOH (Valley Oak Habitat) combining designations.

As mentioned above, the LC Zoning District allows the operation of a small alcoholic beverage retail establishment with a Use Permit. While the Store has sold alcohol for many years as a legal non-conforming use, the ABC's recent suspension of the Store's alcohol license for greater than 45 days resulted in necessity for a Use Permit to re-establish retail alcohol sales (Section 26-88-195 (e) (2)).

In addition to the standard required findings for Use Permit approval in Zoning Code Section 26-92-080, Section 26-88-195 (a) contains specific further considerations for granting approval to small alcoholic beverage retail establishments. The specific considerations contained in Section 26-88-195 (a) and analyses are included here:

- (1) The number of alcohol licenses per capita within a one-half mile radius of the premises as compared to the county-wide average;*

**Analysis:** The Zoning Code excludes wine tasting rooms from the definition of alcoholic beverage retail establishments. While there are nine (9) wine tasting rooms at nearby wineries within a half-mile of the subject property, the Store would be the only businesses selling both beer and wine as an alcoholic beverage retail establishment in the half-mile radius. The California Department of Alcoholic Beverage Control found the application for the Type 41 license for the sales of beer and wine to be below their threshold for overconcentration.

- (2) The numbers of calls for service, crimes, and arrests at the premises and within a one-half mile radius of the premises as compared to the county-wide average;*

**Analysis:** The Store has a Type 41 ABC license allowing the sales of beer and wine. Permit Sonoma staff produced a list of the type 41 licenses County wide, and an analyst with the Sonoma County Sheriff's Department integrated the 96 businesses within the unincorporated jurisdictional boundaries of Sonoma County with its crime data.

The analyst explained that including all calls, crimes, and arrests in the data does not represent an accurate accounting, because it duplicates the data. A call can become a crime, which can become an arrest. Therefore, a singular incident can be counted up to three times. He also said that "calls" can be nothing, and only counting arrests misses incidents that do not lead to arrests. The analyst recommended only including alcohol-related incidents for the most accurate and fair analysis. Also, since the store ceased alcohol sales in early 2017, he recommended utilizing data from 2016, the most recent full year when the store was participating in alcohol sales.

The average alcohol-related incidents within ½ mile of each Type 41 ABC licensed business in 2016 in the jurisdiction of Sonoma County was 13.745. In comparison, there were three (3) alcohol-related incidents within ½ mile of the Dry Creek General Store. So the amount of alcohol related incidents within a one-half mile radius of the premises was extremely low compared to the county-wide average.

- (3) Whether the site plan and floor plan for the premises incorporate design features to assist in reducing alcohol-related problems. These features may include, but are not limited to,*

*openness to surveillance and control of the premises, the perimeter, and surrounding properties; reduction of opportunities for congregating and obstructing public ways and neighboring property; illumination of exterior areas; and limiting furnishings and features that encourage objectionable activities.*

**Analysis:** Seating at the store is arranged for guests to reduce congregating, and the Store has surveillance cameras and on-site management to reduce potential obstructions. Since one of the violations leading to the suspension of the alcohol license was allowing patrons to exit controlled areas of the property with open containers, staff recommends adding a condition to require installation of signs at the exits of the controlled areas prohibiting open containers of alcoholic beverages outside of controlled areas.

Another concern involves patrons urinating on the neighbors' property and along the southern property line fence. To address this, the store added one sign at the fence, and indicating that the restrooms are located in the bar. In a meeting with the applicant and neighbors, the neighbors explained that the trash enclosure being located near the southern property line provides a location for people to hide when they urinate. The applicant and neighbors are confident that the proposed relocation of the trash enclosure away from the property line will help deter this objectionable behavior.

### **Issue #3: Parking**

The floor area of the store is approximately 3,500 square feet. The number of spaces for a general commercial use are one space per 200 square feet of building, or a requirement of 18 parking spaces, plus one for the existing residence. The outdoor seating areas, including the covered patio area and the seating area to the south of the building total approximately 1,100 SF, for a total of approximately 4,600 SF (the Access Evaluation prepared by W-Trans referred to an earlier estimate of 4,800 SF). Including these areas would yield a parking requirement of 24 spaces.

The site plan shows a total of 23 parking spaces including 4 motorcycle spaces. Of the 19 car spaces, 14 are in the Dry Creek Road right-of-way, and one on-site space will meet all ADA Accessibility requirements. The application also includes improvements to the shoulder on the opposite side of Dry Creek Road to allow safer parking for approximately 6 spaces along the street for southbound traffic. The available parking spaces on the opposite side of the road are not included in the count of 23.

Parking requirements in the zoning code are for on-site parking. Staff does not typically support allowing off-site parking, such as parking within the County right-of-way, to offset required parking. However, the Zoning Code allows the decision-maker to grant exceptions where the provision of parking meeting the requirements is not feasible, and the use is of the same or less intensity than the previous use (see SCC § 26-86-010 (I)). The Dry Creek General Store was established prior to the

adoption of parking requirements, the establishment of the County right-of-way, or even the invention of the automobile. Therefore, considering the longstanding history of the store and the site constraints, staff recommends consideration of an exception.

In addition to improving the onsite and street frontage parking, in recognition of the boost in traffic to the store based on increased tourism in Sonoma County, the applicant has established an employee-parking area on an existing gravel parking lot on a property to the south of the project site, 3377 Dry Creek Road, owned by Gallo Vineyards Inc. The employees are required to park at this property and walk to the store, with the exception of disabled employees, and occasional deliveries or pickups scheduled outside of peak times. Again, staff typically does not support off-site parking agreements, but in this case the store is addressing a site constraint and offering a creative solution. Recommended conditions of approval require the store to provide off-site parking for employees to preserve on-site parking for patrons.

#### **Issue #4: Environmental Determination**

The project is exempt from CEQA review based on "Class 1" categorical exemption under CEQA Guidelines Section 15301, *existing facilities*. *Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.*

The key consideration is whether the project involves negligible or no expansion of an existing use. The Dry Creek General Store has been in continuous operation since its establishment in 1881. While the specifics of the business have adjusted to the demands of the times, it has always maintained a base business of retail sales of food and alcohol. The retail sales of alcohol are accessory to the sales of prepared food and dry goods. The approval of the Use Permit to formalize the alcohol sales is consistent with the historic use of the property. The project will not cause a substantial or adverse change in the significance of a historical resource, because it will not affect the exterior of the landmark structure.

Kjeldsen Biological Consulting prepared a biological review for the project that concludes that the project will not affect any sensitive habitats or species, because none are present in the vicinity of the project site (see Attachment G). The project site plan shows an existing Coast Live Oak in the street frontage of Dry Creek Road adjacent to a proposed storm drain. The design drawings show this existing tree to remain. Recommended Condition of Approval No. 50 requires protection of this tree during construction per the recommendations in the biological review and replacement per the requirements in the Tree Protection Ordinance (Zoning Code Section 26-88-010 (m)) should the removal of the tree be unavoidable.

#### **Issue #5: Neighborhood Compatibility**

The Dry Creek General Store was the first business established in the area in the 1800's. Many of the other buildings in the general vicinity appeared with the expanding wine industry in the valley in the mid to late 1900's. The Store provides a service to the community otherwise unavailable in the area. While there are winery tasting rooms in the vicinity, this Store has been the only small alcoholic

beverage retail establishment and bar in the local area, providing a service popular among locals and tourists alike.

In recent years, the store has experienced an increase in popularity, which has created additional pressure on parking and conflict with neighbors. The applicants are proposing site improvements with this application to address some of these issues, including organized parking and access, relocation and reconstruction of the trash enclosure, and relocation of the smoker oven.

During busy times, the customers often park in the shared driveway, blocking access to the neighbors' driveway to the south. The application includes improvements within the right-of-way to separate and define the driveways to discourage customers from blocking the neighboring driveway. A trained parking attendant will monitor the parking associated with the establishment at peak times and during evening barbecues, as well as the patrons' behavior, to prevent intrusion on the peace and privacy of the neighbors. The customers of the Store and bar, also often park in the driveway on the neighboring property to the north, leading to the Teldeschi Vineyards. The applicant's project description now includes the addition of a surveillance camera and in-store monitor to help prevent patrons from blocking the neighboring driveway to the north.

In addition, the proposal includes management strategies to help control the patrons of the Store and bar, and reduce the noise associated with disposal of bottles in the dumpsters. A recommended condition of approval would require installation of signs reading, "No alcohol beyond this point" to assist in defining where open containers are allowed. The Store will employ a more structured recycling plan and limit trips to the trash enclosure to between the hours of 10:00 AM and 8:00 PM to reduce and control noise associated with dumping glass into the metal dumpsters.

The Store has community barbecues on Thursday evenings. While the neighbors suggest that the County should regulate these barbecues as events, the Zoning Code does not prohibit the sale of barbecued meats in association with a delicatessen. Nor does the Code prevent the Store from making the barbecued meats available only on certain nights. In response to previous complaints from the neighbors about the barbecues, on 22 November 2011, Pete Parkinson, the Director of PRMD at the time, sent a determination to the neighbor that a special event permit was not required for the Thursday evening barbecues if live music was not included (Exhibit H). However, since the barbecue draws more people to the store in the evening, staff included these evening barbecues in recommended condition of approval No. 46 requiring a parking monitor during the peak hours.

These management requirements combined with the site and frontage improvements will contribute to increased neighborhood compatibility.

#### **STAFF RECOMMENDATION**

Approve the project with recommended conditions of approval and delegate final design review of the improvements to staff.

### **FINDINGS FOR RECOMMENDED ACTION**

1. The project is exempt from CEQA per CEQA Guidelines section 15301, because the project is an existing facility and the project involves negligible or no expansion of the use, and the proposed improvements do not result in environmental impacts. The specific circumstances are:
  - a) The approval of the Use Permit to formalize the alcohol sales constitutes negligible or no expansion of the existing use, because the Dry Creek General Store has been in continuous operation since its establishment in 1881. And while the specifics of the business have adjusted to the demands of the times, it has always maintained a base business of retail sales of food and alcohol. The retail sales of alcohol are accessory to the sales of prepared food and dry goods.
  - b) The proposed site and street frontage improvements do not result in environmental impacts, based on the biological review prepared for the project that concludes that the project site does not contain any habitat for special-status species and does not contain vegetation associates, habitat or edaphic conditions that would support special-status species; that the project will not have a substantial adverse effect on federally protected wetlands; and that the proposed project with the implementation of Best Management Practices will not result in any potentially significant adverse biological impacts to the environment on or off site.
2. The proposed project is consistent with the General Plan, for the following reasons:
  - a) The project is consistent with the Limited Commercial designation of the General Plan, which allows *"retail sales and services for the daily self sufficiency of local rural or urban neighborhoods or communities in keeping with their character,"* because the small alcoholic beverage retail sales is consistent with the historic use of the property, and provides a popular service to the community.
  - b) The project is consistent with General Plan Policy LU-13c, which reads, *"Additional development in the "Limited Commercial" category for the Alexander Valley Store, Dry Creek Store, and Jimtown Store shall not include lodgings or restaurants and shall not adversely affect adjacent agricultural or resource uses,"* because the proposed project is not "additional development," the application does not include a restaurant, and the re-establishment of the small alcoholic beverage retail establishment, as conditioned, will not adversely affect adjacent agricultural or resource uses.
3. The proposed project is consistent with the site's zoning.
  - a) The small alcoholic beverage retail establishment and bar and associated improvements are consistent with the Limited Commercial Zoning Designation, because the designation allows the establishment of alcohol related businesses with a Use Permit subject to the standards in Section 26-88-195.

- b) The project is consistent with Section 26-88-195 (a), because 1) The project does not result in an overconcentration of alcohol licenses; 2) The amount of alcohol related incidents within a one-half mile radius of the premises was far lower than the county-wide average when the alcohol sales were occurring at the site; and 3) the site plan includes design features to reduce alcohol-related problems, such as open areas and cameras to allow surveillance of the property and property lines and installation of signs to restrict open containers of alcoholic beverages beyond controlled areas. The project is also consistent with Section 26-88-195 (b), because there are no schools, day care centers, parks, recreation facilities, places of religious assembly, or other alcoholic beverage retail establishments within 1,000 feet of the subject property.
4. The establishment, maintenance or operation of the use for which application is made will not, under the circumstances of this particular case, be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood of such use, nor be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the area. The particular circumstances in this case are:
- a) The Store will be the only business selling both beer and wine as an alcoholic beverage retail establishment in a half-mile radius;
  - b) The average alcohol-related incidents within ½ mile of each Type 41 ABC licensed business in 2016 in the jurisdiction of Sonoma County was 13.745. In comparison, there were three (3) alcohol-related incidents within ½ mile of the Dry Creek General Store in the same year;
  - c) The placement of the Store's seating discourages congregation, and the location allows the staff to monitor activities. A condition of approval will require the applicant to install and maintain signs saying, "No alcoholic beverages beyond this point" at the edges of the seating areas to prevent patrons from carrying open containers outside of the controlled areas. The Store also has security cameras installed to monitor the on-site activities. As included in the project description and in a recommended condition of approval, the Store will have trained staff monitor the parking during busy times to keep patrons from blocking neighboring driveways and access ways, and monitor the site for open containers and objectionable behavior.
  - d) The improvements to add parking in the right-of-way at the frontage of the property and on the opposite side of the street, reorganization and formalization of on-site parking and circulation, improves neighborhood compatibility and traffic safety.

**LIST OF ATTACHMENTS**

- EXHIBIT A: Draft Conditions of Approval
- EXHIBIT B: Project Statement
- EXHIBIT C: Location Map
- EXHIBIT D: Site Plan

EXHIBIT E: Existing Floor Plan  
EXHIBIT F: Access Evaluation  
EXHIBIT G: Biological Review  
EXHIBIT H: Email from Director to Brady Phenicie, 22 November 2011  
EXHIBIT I: BZA Resolution

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Separate Attachment for Commissioners: full size plans



## SONOMA COUNTY BOARD OF ZONING ADJUSTMENTS

### Draft Conditions of Approval Exhibit A

<b>Staff:</b>	Brian Keefer, Project Planner	<b>Date:</b>	19 July 2018
<b>Applicant:</b>	Dry Creek General Store, Chuck Conner	<b>File No.:</b>	PLP17-0029
<b>Land Owner:</b>	Amy M. Gallo Ttee Et Al Trust	<b>APN:</b>	090-160-029
<b>Address:</b>	3485 Dry Creek Road, Healdsburg		

**Project Description:** Request for a Use Permit for a small alcoholic beverage retail establishment for the historic Dry Creek General Store, a legal non-conforming general store and bar, and a request for design review for site improvements, including improvements to the parking lot and circulation, a newly remodeled and relocated trash enclosure and a relocated smoker oven.

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#### **BUILDING:**

1. The applicant shall apply for and obtain building related permits from Permit Sonoma (PRMD). The necessary applications appear to be, but may not be limited to, site review, building permit, and grading permit.
2. The proposed improvements shall comply with the accessibility requirements set forth in the most recent California Building Code (CBC), as determined by the Permit Sonoma Building Division. Such accessibility requirements shall apply to all new construction and remodeling.
3. The business operator shall post a sign that includes the phone number for a current job manager for the benefit of neighbors. The job manager can be contacted if there are any problems associated with the construction process site such as dust, storm water runoff, hours of operation, equipment noise, traffic issues or lack of compliance with any project conditions of approval.

#### **HEALTH:**

"The conditions below have been satisfied BY \_\_\_\_\_ DATE \_\_\_\_\_

#### Water:

4. Prior to commencing project operation under this Use Permit an Easement is required to be recorded for this project to provide Sonoma County personnel access to any on-site water well serving this project and any required monitoring well to collect water meter readings and groundwater level measurements. Access shall be granted Monday through Friday from 8:00 a.m. to 5:00 p.m. All Easement language is subject to review and approval by Permit Sonoma Natural Resources, Professional Geologist and County Counsel prior to recordation.

#### Septic:

5. Prior to project operation and commencing the use under this Use Permit, the applicant shall have a capacity and wastewater flow analysis and proper functioning of the wastewater system inspection completed by a Registered Civil Engineer or Registered Environmental Health Specialist regarding the existing septic system's ability to accommodate the peak flows from all sources granted in the Use Permit (including the refuse pad drain and the outdoor meat smoker indirect

connection to the existing 4,000 gallon grease trap and waste water system.) and any additional sources from the parcel. The wastewater analysis and inspection findings report shall be submitted to Permit Sonoma Well & Septic for a “Review of Consultant’s Findings” with applicable fees paid. The Project Review Health Specialist shall receive a final clearance from the Well and Septic Section that the existing septic system capacity and functioning order are sufficient for the proposed use.

Any necessary system expansion or modifications, and demonstration of reserve areas, shall be done under permit and the current standards from the Permit Sonoma Well and Septic Section and may require both soils analysis, groundwater and percolation testing.

If a permit for a standard, innovative or experimental sewage disposal system sized to meet all peak flows cannot be issued, then the applicant shall revise the project (fees apply and a hearing may be required) to amend the Use Permit to a reduced size, not to exceed the disposal capabilities of the project site and attendant easements. The Project Review Health Specialist shall receive a final clearance from the Well and Septic Section that all required septic system testing and design elements have been met.

Consumer Protection:

6. Prior to the issuance of building permits and the start of any on-site construction (for the meat smoker and trash compound relocation and waste drain connections), plans and specifications for any food facility that provides food or beverage to the public must be submitted to, and approved by the Department of Health Services, Environmental Health & Safety Section. Be advised that major expenses can be triggered relating to the need for commercial exhaust hoods, fire suppression systems, food storage space and walk in refrigerators/freezers dependent upon the scale of food service and the menu items selected. Early consultation with Environmental Health & Safety is recommended. All food service on this site shall be limited to the scale, scope, frequency and any menu limitations specified under the Planning conditions in this Use Permit.

Contact the Department of Health Services, Environmental Health & Safety Section at 565-6565 for information and instructions. An e-mail of the approval from the Environmental Health & Safety Section or a copy of the Plan Check Approval shall be presented to the Project Review Health Specialist to verify compliance with requirements of the California Retail Food Code (CalCode).

Solid Waste:

7. Prior to project operation and building permit issuance, the applicant shall submit a design for trash enclosures and recycling areas for review and approval by the Permit Sonoma Building Plan Check Section. (Fees may apply.) Note that trash trucks must have at least a 34-foot turning radius at the trash enclosure and the dumpster must have 19 feet of overhead clearance.
8. **Prior to project operation and building permit issuance**, areas within the refuse enclosures shall:
  - Drain to the 4,000 gallon grease trap.
  - Container areas shall be not be less than ten feet (10') wide, seven and one-half feet deep and six feet (6') high.
  - Gates, if installed on the container area, shall be double doors, opening at the center and level with the access driveway.
  - The outside perimeter of the trash enclosure shall be graded to prevent storm water

from draining into the grease trap.

- The trash enclosure shall be covered with a roof or awning. Overhangs, wiring or other obstructions on the approach to the container area must be at least fourteen feet (14') high and at least nineteen feet (19') high directly over the container area when the bins are mechanically lifted and tipped from the refuse compound.
- The containers for refuse and recyclables shall be of sufficient size and adequate number to contain without overflowing all of the refuse and recyclables that are generated on the premises during the designated removal period per the Solid Waste Management Plan.

**PRIOR TO OPERATION:**

**Water:**

9. Prior to project operation under this Use Permit, a water well serving this project shall be fitted with a groundwater level measuring tube and port, or electronic groundwater level measuring device. Water meter(s) to measure all groundwater extracted for the permitted use shall be installed on the water system. A Site Plan showing the location of the well with the groundwater level measuring device and the location of the water meter(s) shall be submitted to the Permit Sonoma Natural Resources, Professional Geologist.

**OPERATIONAL REQUIREMENTS:**

**Water:**

10. A safe, potable water supply shall be provided and maintained.
11. The location of the wells, and groundwater elevations and quantities of groundwater extracted for this use shall be monitored quarterly and reported to Permit Sonoma Natural Resources, Professional Geologist. In January of the following year pursuant to Section WR-2d of the Sonoma County General Plan and County policies. Annual monitoring fees shall be paid at the rate specified in the County Fee Ordinance. If the County determines that groundwater levels are declining in the basin, then the applicant shall submit and implement a Water Conservation Plan, subject to review and approval by Permit Sonoma.
12. Required water meters shall be calibrated, and copies of receipts and correction factors shall be submitted to Permit Sonoma Natural Resources, Professional Geologist at least once every five years.

**Septic:**

13. Use of the facility's wastewater disposal system shall be in accordance with the design and approval of the system.
14. All future sewage disposal system repairs shall be completed in the Designated Reserve areas and shall meet Class I Standards. Alternate reserve areas may be designated if soil evaluation and testing demonstrate that the alternative reserve area meets or exceeds all of the requirements that would have been met by the original reserve area. If wastewater ponds or a package treatment plant are needed, then a modification of the Use Permit may be required, as determined by Permit Sonoma.

Consumer Protection:

15. Obtain and maintain all required Food Industry Permits from the Sonoma County Environmental Health Division prior to serving any food. Note that no food service exceeding the limits specified under the planning conditions shall be authorized on this site by the issuance of any retail food facility permit, catering permit, mobile food vendor permit or building permit.

Noise:

16. Noise shall be controlled in accordance with Table NE-2 (or an adjusted Table NE-2 with respect to ambient noise as described in General Plan 2020, Policy NE-1c,) as measured at the exterior property line of any affected residential or sensitive land use:

TABLE NE-2: Maximum Allowable Exterior Noise Exposures

Hourly Noise Metric <sup>1</sup> , dBA	Daytime (7 a.m. to 10 p.m.)	Nighttime (10 p.m. to 7 a.m.)
L50 (30 minutes in any hour)	50	45
L25 (15 minutes in any hour)	55	50
L08 (4 minutes 48 seconds in any hour)	60	55
L02 (72 seconds in any hour)	65	60
<sup>1</sup> The sound level exceeded n% of the time in any hour. For example, the L50 is the value exceeded 50% of the time or 30 minutes in any hour; this is the median noise level. The L02 is the sound level exceeded 1 minute in any hour.		

17. Special events were not requested in this Use Permit and therefore are not authorized by this Use Permit.
18. If noise complaints are received from nearby residents, and they appear to be valid complaints in Permit Sonoma's opinion, then the applicant shall conduct a Noise Study to determine if the current operations meet noise standards and identify any additional noise Mitigation Measures if necessary. A copy of the Noise Study shall be submitted to the Project Review Health Specialist within sixty days of notification from Permit Sonoma that a noise complaint has been received. The owner/operator shall implement any additional Mitigation Measures needed to meet noise standards.

Solid Waste:

19. All garbage and refuse on this site shall accumulate or be stored in non-absorbent, water-tight, vector resistant, durable, easily cleanable, galvanized metal or heavy plastic containers with tight fitting lids. No refuse container shall be filled beyond the capacity to completely close the lid. Garbage and refuse on this site shall accumulate or be stored for no more than seven calendar days, and shall be properly disposed of at a County Transfer Station or County Landfill before the end of the seventh day.

Smoking:

20. Smoking is prohibited in any public area, in any dining area, service area (including entry lines or ticket purchase lines) and in any enclosed area that is a place of employment (Sonoma County

Code 32-6). “No Smoking” signs shall be conspicuously posted at the point of entry into every building where smoking is prohibited by Chapter 32 of the Sonoma County Code. The California Health and Safety Code (section 113978) also requires the posting of “No Smoking” signs in all food preparation areas, all retail food storage areas, and all food utensil washing areas. Note that Health and Safety Code section 113781 definition of food includes any beverage intended for human consumption.

21. A “Designated Smoking Area” may be established in unenclosed areas consistent with Sonoma County Code section 32-3. Designated Smoking Areas must be at least 25 feet away from any building or area where smoking is prohibited, must be conspicuously identified by signs as a smoking area, and shall be equipped with ash trays or ash cans.

**TRANSPORTATION AND PUBLIC WORKS:**

“The conditions below have been satisfied BY \_\_\_\_\_ DATE \_\_\_\_\_

**Required Improvements:**

22. The Applicant shall construct or install improvements described as follows:

Supplement the shoulder on the southwesterly side of Dry Creek Road (opposite the General Store) to better accommodate customer vehicles parking on the shoulder. The shoulder backing improvement shall extend for the full street frontage length of the General Store parcel and consist of Class II aggregate baserock, compacted to a minimum relative compaction of 95%, of sufficient depth to eliminate the drop-off that currently exists along the edge of pavement. The Class II aggregate base should be a maximum width of 2’ wide and transition to existing grade in as smooth a manner as is practicable if a 2’ width is infeasible.

**Proposed Improvements:**

23. The Applicant shall pay an in lieu contribution to the Sonoma County Department of Transportation and Public Works (DTPW) for County forces to paint existing A.C. dike red (to indicate no parking) within the already designated no parking area southerly of the Applicant’s frontage. County DTPW will determine the required in lieu contribution amount.
24. The applicant has proposed certain improvements along the property frontage that will improve the roadway, parking and pedestrian situation fronting the property (Proposed Improvements for Dry Creek Store, by Atterbury & Associates, Inc. dated June 19, 2018). While these improvements are not required by DTPW, they are proposed to be within the public road right-of-way. These improvements include:
- a. A retaining wall per Caltrans specifications to retain the store entry access and parking area;
  - b. A guardrail atop the retaining wall adjacent to the parking area;
  - c. Stairs from the parking/store elevation down to a 4’ wide walkway adjacent to additional parking created by a reduction of the bike lane from 9’ to 5’ and filling in of a roadside ditch;
  - d. A 4’ wide walkway shall be ADA compliant and needs to be separated from the adjoining parking lane by an AC dike;
  - e. An 8’ wide AC paved roadside parking lane at the elevation of Dry Creek Rd.

As these improvements have been proposed by the Applicant to be located within County road right-of-way, they must be built per County requirements and require an encroachment permit. A Caltrans retaining wall is satisfactory; any deviation will require review by the Building Plan Check section of Permit Sonoma (PRMD). Guardrail shall be built per Caltrans specifications. Permit clearance will be required from the Grading and Storm Water Section of Permits Sonoma (PRMD).

25. The Applicant shall submit a request for 2-hour time limited parking for the street parking at the store frontage and along the frontage of the parcel across Dry Creek Road to the Department of Transportation and Public Works (DTPW) within 30 days of approval. The Applicant shall pay the fees to process the request to the Board of Supervisors. If the Board approves the request, the applicant shall pay for County installation of all signs that are required resulting from the request following adoption of the ordinance authorizing the changed Conditions. The applicant shall submit this request to DTPW within 30 days of use permit approval, and shall pay the installation fees within 14 days of request by DTPW.
26. Plans for all improvements within the County right-of-way shall be submitted to the office of the County Surveyor in Permit Sonoma (PRMD) for review and approval; said office will coordinate review of the plans with DTPW. The improvement plans shall be signed by the Director of DTPW prior to the issuance of an encroachment permit for public road improvements.
27. The Applicant shall employ a Registered Civil Engineer, licensed in the State of California, to develop plans for the required improvements. The scale of these improvement plans shall be a minimum 1 inch equals 40 feet, and shall be submitted on 24-inch by 36-inch sheets for review. The Plans shall include roadway cross-sections, at a maximum interval between cross-sections of 50 feet.
28. The Applicant shall provide the County with a maintenance and indemnification agreement in a form to be approved by County Counsel to release the County from any and all maintenance and liability issues associated with the proposed improvements located beyond the edge of the travel way (the northeasterly edge of the shoulder) for Dry Creek Road.

#### **Traffic Control Devices**

29. The Applicant shall install traffic control devices as required by the Department of Transportation and Public Works, including items such as traffic signs, roadway striping, pavement markers, etc.

#### **Processing:**

30. An Encroachment Permit issued by Permit Sonoma shall be obtained prior to constructing any improvements within County road right-of-way.

#### **Use Permit and Design Review:**

31. Prior to clearance of the conditions associated with this land use entitlement, the Applicant shall complete construction of all the required public improvements and pay any required fees or in lieu contributions.

**FIRE AND EMERGENCY SERVICES:**

“The conditions below have been satisfied BY \_\_\_\_\_ DATE \_\_\_\_\_

32. Applicant shall provide evidence to Sonoma County Fire that the fire service features for the trash enclosure and access will comply with the California Fire Code as adopted and amended by Sonoma County Code, including but not limited to fire apparatus access roads and premises identification.
  - a. **Access roads:** minimum emergency access is required to provide safe access for emergency fire equipment and civilian evacuation concurrently, and to allow unobstructed traffic circulation during a wildfire or other emergency.
  - b. **Premises Identification and Road Naming:** Approved road names & signs, address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road shall be provided.

**PLANNING:**

“The conditions below have been satisfied BY \_\_\_\_\_ DATE \_\_\_\_\_

33. This planning permit includes a Use Permit (UPE17-0028) that allows the applicant to operate a small alcoholic beverage retail establishment selling beer and wine, and a Design Review (ADR17-0075) to complete site improvements including improvements to the parking lot and circulation, a new trash enclosure, relocation of the existing smoker oven, and street frontage improvements. This approval includes the existing bar, but specifically excludes the use of a restaurant serving alcohol, cocktail lounge, and amplified live music. The permitted hours of operation are Sunday through Thursday from 7:00 AM to 10:00 PM and Friday and Saturday from 7:00 AM to 11:00 PM. The use shall be operated in accordance with the proposal statement and site plan located in File No. PLP17-0029 as modified by these conditions, and in conformance with the Department of Alcoholic Beverage Control Type 41 license.
34. This use shall be constructed, maintained, and operated in conformance with all applicable county, state, and federal statutes, ordinances, rules, and regulations. A violation of any applicable statute, ordinance, rule or regulation shall be a violation of the Use Permit, subject to revocation or modification.
35. At the time of submitting a building permit application, the applicant shall submit to Permit Sonoma a Condition Compliance Review fee deposit (amount to be determined consistent with the ordinance in effect at the time). In addition, the applicant shall be responsible for payment of any additional compliance review fees that exceed the initial deposit (based upon hours of staff time worked) prior to final inspection being granted.
36. This “At Cost” entitlement is not complete, and no grading or building permits shall be issued, until all permit processing costs and development fees are paid in full.
37. Agricultural activities occur in the area and noise, dust, odor, smoke and pesticide use may occur and are consistent with the Sonoma County General Plan Land Use designation for the area. Prior

to building permit issuance or prior to exercising this approval, whichever comes first, the property owners shall execute and record a Right-to-Farm declaration on a form provided by Permit Sonoma.

38. All grading and building permits plans involving ground disturbing activities shall include the following notes:

“If paleontological resources or prehistoric, historic or tribal cultural resources are encountered during ground-disturbing work, all work in the immediate vicinity shall be halted and the operator must immediately notify the Permit Sonoma (PRMD) – Project Review staff of the find. The operator shall be responsible for the cost to have a qualified paleontologist, archaeologist or tribal cultural resource specialist under contract to evaluate the find and make recommendations to protect the resource in a report to Permit Sonoma. Paleontological resources include fossils of animals, plants or other organisms. Prehistoric resources include humanly modified stone, shell, or bones, hearths, firepits, obsidian and chert flaked-stone tools (e.g., projectile points, knives, choppers), midden (culturally darkened soil containing heat-affected rock, artifacts, animal bone, or shellfish remains), stone milling equipment, such as mortars and pestles, and certain sites features, places, cultural landscapes, sacred places and objects with cultural value to a California Native American tribe. Historic resources include all by-products of human use greater than fifty (50) years of age including, backfilled privies, wells, and refuse pits; concrete, stone, or wood structural elements or foundations; and concentrations of metal, glass, and ceramic refuse.

If human remains are encountered, work in the immediate vicinity shall be halted and the operator shall notify Permit Sonoma and the Sonoma County Coroner immediately. At the same time, the operator shall be responsible for the cost to have a qualified archaeologist under contract to evaluate the discovery. If the human remains are determined to be of Native American origin, the Coroner must notify the Native American Heritage Commission within 24 hours of this identification so that a Most Likely Descendant can be designated and the appropriate measures implemented in compliance with the California Government Code and Public Resources Code.”

39. The applicant shall include these Conditions of Approval on separate sheets of plan sets to be submitted for building and grading permit applications.

40. All building and/or grading permits shall have the following note printed on plan sheets:

“In the event that archaeological resources such as pottery, arrowheads, midden or culturally modified soil deposits are discovered at any time during grading, scraping or excavation within the property, all work shall be halted in the vicinity of the find and County Permit Sonoma - Project Review staff shall be notified and a qualified archaeologist shall be contacted immediately to make an evaluation of the find and report to Permit Sonoma. Permit Sonoma staff may consult and/or notify the appropriate tribal representative from tribes known to Permit Sonoma to have interests in the area. Artifacts associated with prehistoric sites include humanly modified stone, shell, bone or other cultural materials such as charcoal, ash and burned rock indicative of food procurement or processing activities. Prehistoric domestic resources include hearths, firepits, or house floor depressions whereas typical mortuary resources are represented by human skeletal remains. Historic artifacts potentially include all by-products of human land use greater than fifty (50) years of age including trash pits older than fifty (50) years of age. When contacted, a member of Permit Sonoma Project Review staff and the archaeologist shall visit the site to determine the



extent of the resources and to develop and coordinate proper protection/mitigation measures required for the discovery. Permit Sonoma may refer the mitigation/protection plan to designated tribal representatives for review and comment. No work shall commence until a protection/mitigation plan is reviewed and approved by Permit Sonoma - Project Review staff. Mitigations may include avoidance, removal, preservation and/or recordation in accordance with California law. Archeological evaluation and mitigation shall be at the applicant's sole expense.

"If human remains are encountered, all work must stop in the immediate vicinity of the discovered remains and Permit Sonoma staff, County Coroner and a qualified archaeologist must be notified immediately so that an evaluation can be performed. If the remains are deemed to be Native American, the Native American Heritage Commission must be contacted by the Coroner so that a "Most Likely Descendant" can be designated and the appropriate provisions of the California Government Code and California Public Resources Code will be followed."

Building/grading permits shall not be approved for issuance by Project Review staff until the above notes are printed on the building, grading and improvement plans.

41. The applicant shall maintain a minimum of five (5) vehicle parking spaces and four (4) motorcycle parking spaces on the project site to serve the Dry Creek General Store and Bar. Parking lot surfaces and exterior landscaping shall be maintained in good condition in compliance with the approved plans and conditions herein.
42. The applicant/owner shall be required to maintain in good condition all street frontage improvements along the property to the face of curb, including any landscape areas, sidewalks, or surface drainage contained within the public right-of-way. Landscape plans as part of the improvements within the public right-of-way shall be subject to Design Review approval prior to issuance of encroachment permit. Landscaping shall consist of a mixture of trees, shrubs and groundcover in accordance with an approved landscape plan. A Maintenance Agreement with the County may be required prior to issuance of encroachment permit.
43. All new structures, lighting, signs, and site improvements shall require final design review by Permit Sonoma prior to issuance of building permits. All new exterior finishes shall be of non-reflective materials and colors.
44. Prior to issuance of building permits, an exterior lighting plan shall be submitted for design review by Permit Sonoma. Exterior lighting shall be low mounted, downward casting and fully shielded to prevent glare. Lighting shall not wash out structures or any portions of the site. Light fixtures shall not be located at the periphery of the property and shall not spill over onto adjacent properties or into the night sky. Flood lights are not permitted. All parking lot and street lights shall be full cut-off fixtures. Lighting shall shut off automatically after closing and security lighting shall be motion sensor activated.
45. **Customer and Site Visitor Management.** The operator of the establishment shall take all reasonable steps, including contacting law enforcement in a timely manner, to prevent customers or other persons from engaging in objectionable activities on the premises, in parking areas under the control of the operator, and in other public or quasi-public areas within site of the premises during business hours.

46. **Parking:** The applicant shall employ the following measures to control parking:
  - a. Attendant: During the Store's peak season (May through October), the applicant shall employ a trained parking attendant to monitor the parking at the store and surrounding affected area to ensure maintenance of safe and legal parking during the Store's peak hours (presently from noon to 3:00 PM) and during barbecues. The staff shall also monitor the site for open containers and objectionable behavior. The parking monitors shall complete formal training by an organization approved by Permit Sonoma within 90 days of approval of this use permit.
  - b. Employee Parking: From May through October, employees of the Dry Creek General Store may not park onsite or within the County right-of-way adjacent to the store, except for disabled employees, pickups (not pickup trucks) and deliveries outside of peak hours.
  - c. Prior to permit final for trash enclosure, applicant shall submit a parking plan showing the proposed location of off-site employee parking. The applicant shall submit an annual report on the status of offsite employee parking to Permit Sonoma.
  - d. Deliveries to the store shall be limited to before 12:00 PM and after 3:00 PM when feasible. In cases where a delivery must occur between 12:00 PM and 3:00 PM, the parking attendant shall assist in managing visitors and delivery to avoid conflict.
  - e. Install video camera with in-store monitor to assist with preventing patrons from blocking the private driveway serving the adjacent parcel to the north.
47. **Trash, Litter, and Graffiti.**
  - a. At least twice a week, the operator of the establishment shall remove trash, litter, and debris from the premises plus 10 feet beyond property lines as well as any parking lots under the control of the operator.
  - b. The operator of the establishment shall remove all graffiti from the premises and parking lots under the control of the operator within 72 hours of its application.
  - c. Glass shall only be disposed of in dumpsters between the hours of 10:00 a.m. and 8:00 p.m. The number of daily trips to the dumpster for glass disposal shall be limited to the extent feasible.
48. The applicant shall install and maintain signs at the exits of all outdoor seating areas where alcohol is consumed that read, "No alcoholic beverages beyond this point."
49. Contractor shall implement all applicable Best Management Practices in the construction of the project.
50. The existing Coast Live Oak in the public right-of-way shall be protected during construction. Trenching for the culvert shall be in a manner that leaves all roots of the existing Coast Live Oak over two (2) inches in diameter intact if possible. Any roots over two inches in diameter encountered during bank cuts shall be excavated by hand and exposed. Roots shall be cut cleanly with a saw to minimize impacts to root and tree. All trenching work in the vicinity of the existing

Coast Live Oak shall be overseen by a qualified arborist or biologist. If during construction the Coast Live Oak cannot be avoided and requires removal, the applicant shall replace the tree as required by the Tree Protection Ordinance, Zoning Code Section 26-88-010 (m) .

51. **Timing of Improvements and Commencement of Use:**

- a) Applicant shall not commence the small alcoholic beverage retail establishment use until Permit Sonoma issues written verification that all the pre-operational conditions listed herein are complete and approved, the trash enclosure and relocation of smoker oven are complete, the video monitor for the driveway to the north of the parcel is installed and approved, signs for controlling location of open alcoholic beverages are installed, the parking monitor training is complete, and all conditions regarding management of employee and patron parking are active.
- b) The applicant shall submit engineered plans for the onsite parking and circulation and street frontage improvements to the County with applications for required building permits and encroachment permits within 90 days of approval of this use permit. Improvements within the public right-of-way and the on-site parking and circulation improvements shall be completed within 18 months of use permit approval. Applicant may request additional time subject to Director approval, with consideration given for County review time, weather, and other instances of force majeure.

52. Any proposed modification, alteration, and/or expansion of the use authorized by this Use Permit shall require the prior review and approval of Permit Sonoma or the Board of Zoning Adjustments, as appropriate. Such changes may require a new or modified Use Permit and additional environmental review.

53. The Director of Permit Sonoma is hereby authorized to modify these conditions for minor adjustments to respond to unforeseen field constraints provided that the goals of these conditions can be safely achieved in some other manner. The applicant must submit a written request to Permit Sonoma demonstrating that the conditions is infeasible due to specific constraints (e.g. lack of property rights) and shall include a proposed alternative measure or option to meet the goal or purpose of the condition. Permit Sonoma shall consult with affected departments and agencies and may require an application for modification of the approved permit. Changes to conditions that may be authorized by Permit Sonoma are limited to those items that are not adopted standards or were not adopted as mitigation measures or that were not at issue during the public hearing process. Any modification of the permit conditions shall be documented with an approval letter from Permit Sonoma, and shall not affect the original permit approval date or the term for expiration of the permit.

The owner/operator and all successors in interest, shall comply with all applicable provisions of the Sonoma County Code and all other applicable local, state and federal regulations.

54. This permit shall be subject to revocation or modification by the Board of Zoning Adjustments if: (a) the Board finds that there has been noncompliance with any of the conditions or (b) the Board finds that the use for which this permit is hereby granted constitutes a nuisance. Any such revocation shall be preceded by a public hearing noticed and heard pursuant to Section 26-92-120 and 26-92-140 of the Sonoma County Code.

In any case where a Use Permit has not been used within two (2) years after the date of the

granting thereof, or for such additional period as may be specified in the permit, such permit shall become automatically void and of no further effect, provided however, that upon written request by the applicant prior to the expiration of the two year period the permit approval may be extended for not more than one (1) year by the authority which granted the original permit pursuant to Section 26-92-130 of the Sonoma County Code.

**Revised Project Statement**  
**Dry Creek General Store**  
**3485 Dry Creek Rd, Healdsburg**  
**APN: 090-160-029**

June 20, 2018

The Dry Creek General Store (the Store) requests a Use Permit to resume the bar operations and small alcoholic beverage retail establishment in accordance with County Code section 26-88-195 and 26-36-020-E. We also request Design Review for on site circulation improvements and a new trash enclosure.

**Existing Conditions**

The Dry Creek General Store consists of a 0.38 parcel located at 3485 Dry Creek Road, Healdsburg, APN 090-160-029. The parcel is zoned LC (Limited Commercial), HD (Historic District), SR (Scenic Resource), VOH (Valley Oak Habitat). The parcel is surrounded by vineyards and several residences, with the nearest rural residence approximately 20 feet to the east. The Dry Creek General Store has served the community since the middle 1800's. Under various owners, the store has provided various community functions including: stagecoach stop, feedstore, residence, inn, bait shop, barber shop, general store, eating place, bar with card room, and bootlegging cellar.

The existing parking area is dirt and gravel with no delineated parking. The existing asphalt driveway is shared with the neighbor to the south and is in the County right of way. There is an asphalt curb on the western edge of the driveway. On the Dry Creek Road side of the curb, the driveway in front of the Store is eroding away. There is a steep dirt slope leading to a dirt ditch along Dry Creek Road. The revised circulation and parking plan includes delineating the Store's driveway from the neighbor's driveway with a landscape area, resurfacing and striping the existing Store parking and driveway areas, provides five standard (including one ADA stall) stalls and four motorcycle/bicycle parking stalls on the Store property and fourteen parking spaces on the east side of Dry Creek Road for a total of 23 parking spaces. The proposed improvements include adding a bike lane, curb, gutter and sidewalk with a retaining wall and guard rail along Dry Creek Road in front of the Store. On the west side of Dry Creek Road, the shoulder will be improved to a maximum of two feet of aggregate base. No tree removal is proposed and existing ornamental landscaping in the County's right of way impacted by the drainage improvements will be replaced in kind. Sonoma County Department of Transportation and Public Works reviewed this design and had no concerns. Based on comments during Design Review and further discussion with PRMD staff, an access evaluation was prepared by W-Trans. The evaluation is included with this revised application and indicates no concerns with the proposed improvements.

During the Store's peak season (May through October), a trained parking monitor will guide patrons of the Store to park in designated parking areas or to park on Dry Creek Road Thursday through Sunday from noon to 3pm. During these times, Store employees will park on a nearby parcel (APN 090-150-049) located at 3377 Dry Creek Road. A video monitor will be added at the north end of the Store and monitored from the bar as an additional measure to monitor parking on the north end of the Store.

The existing trash enclosure will be revised to meet the design development standards in accordance with Sonoma County Environmental Health and Zoning Code Section 26-82-030(e). The trash enclosure is proposed to be relocated between the Store and the existing approximately 250 square foot storage building. In order to accommodate this relocation, the existing smoker is proposed to be relocated to

the northeast side of the property at an existing utility area. Per County requirements the smoker will drain to the existing grease trap, and the trash enclosure will drain to the existing septic tank. Please see enclosed site plan and trash enclosure plan for design details.

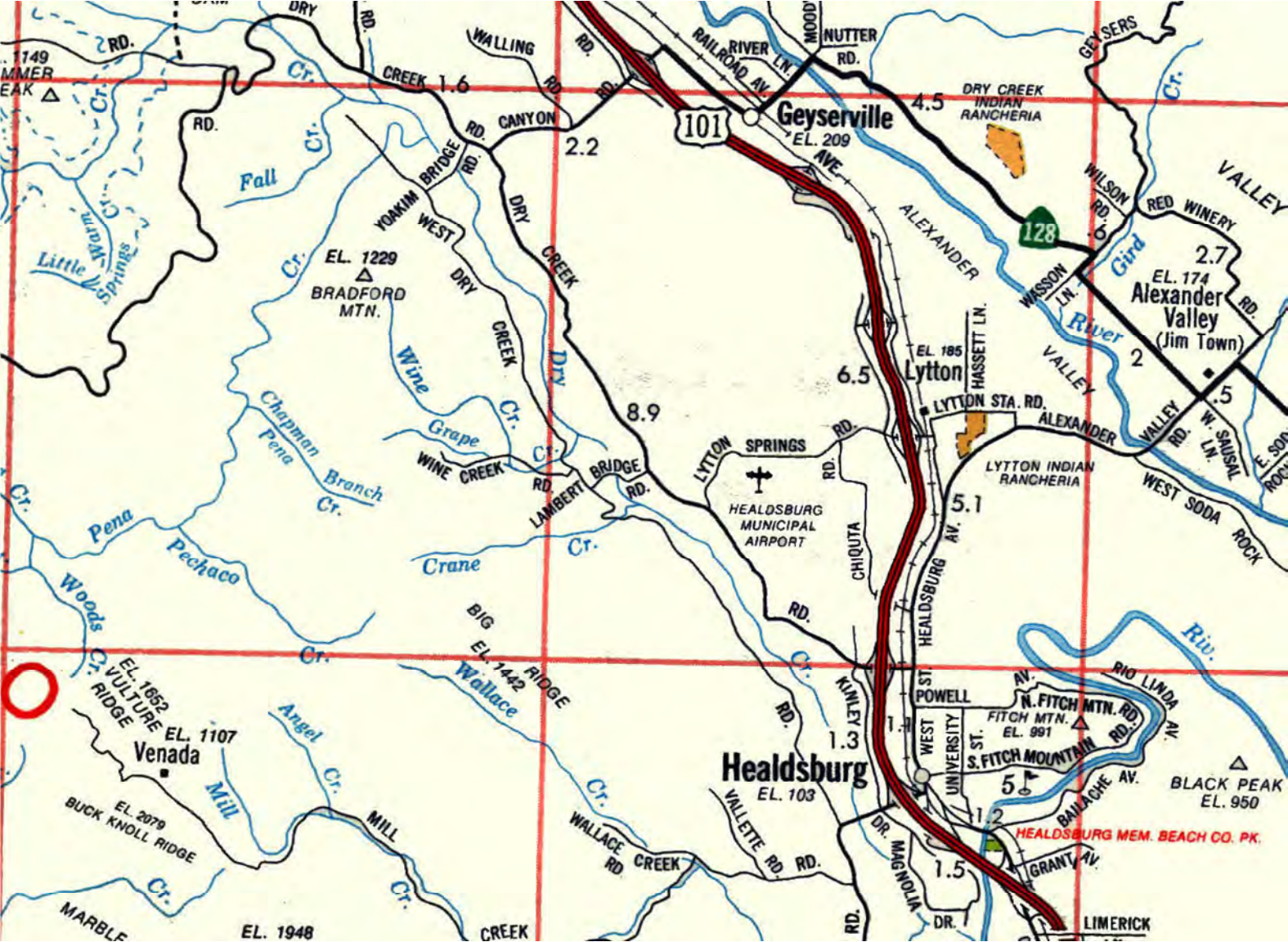
During the preliminary Design Review hearing, concerns regarding the noise at the trash enclosure were identified. The Store has contacted the trash hauler, Recology, and was told that the hours of the pickup cannot be modified. Per a Recology representative, the current pickup occurs on Monday's between 5am and 6am and during busy season, there is also a pickup on Thursday's at the same time of day. The Store will limit the hours that glass recycling is brought from the Store and bar to the recycling bin to occur between the hours of 10am and 8pm to reduce noise impacts.

Sewage disposal is provided with a septic tank and standard septic system that was permitted and installed (including grease trap) in 2011. The well serving the parcel is on site operating under state water permit #CA4901024

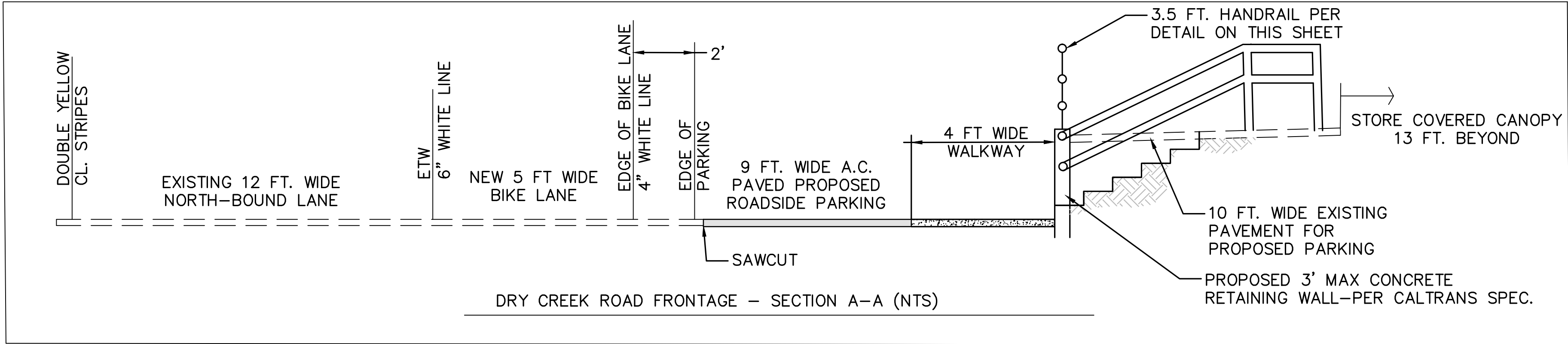
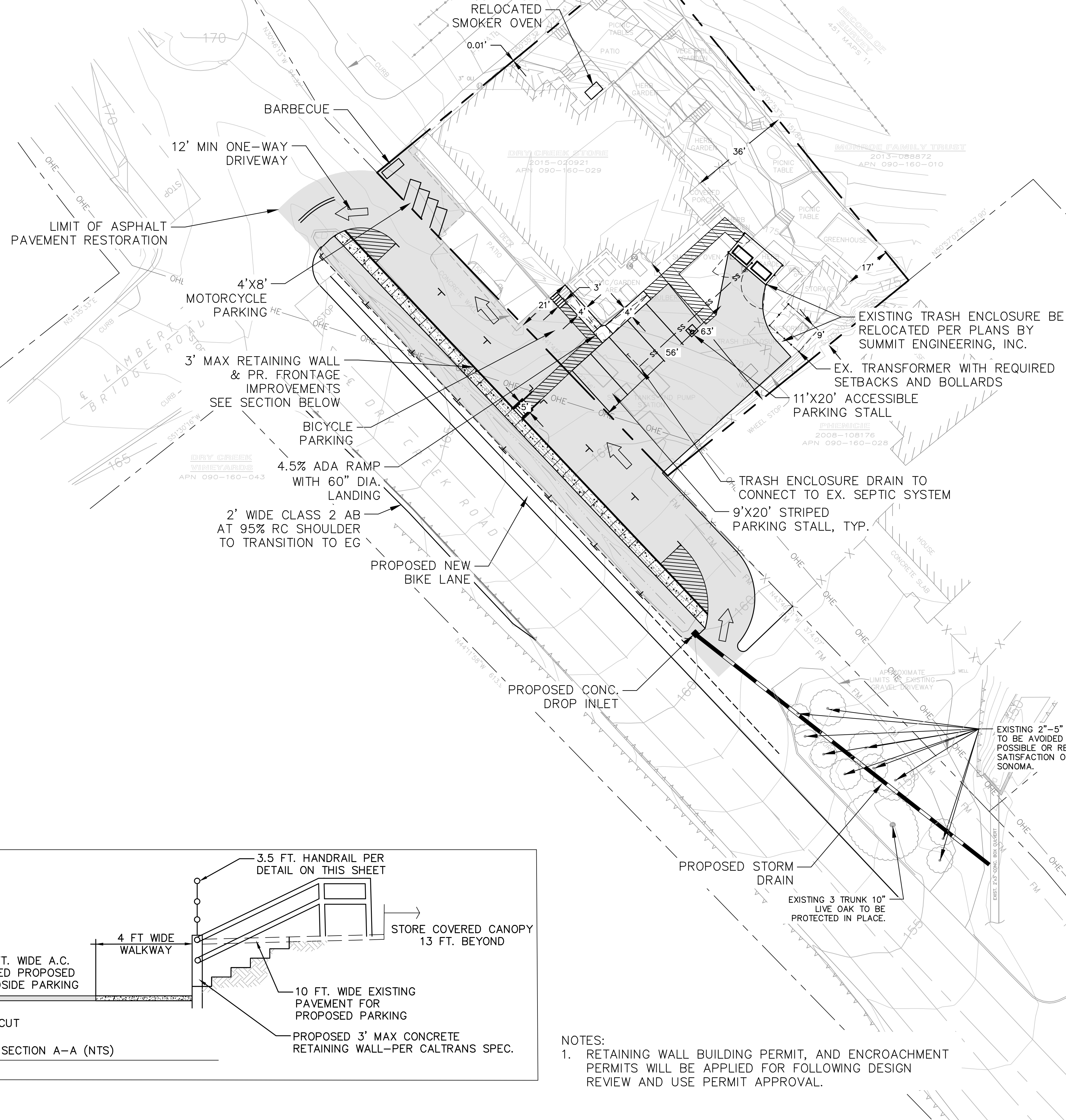
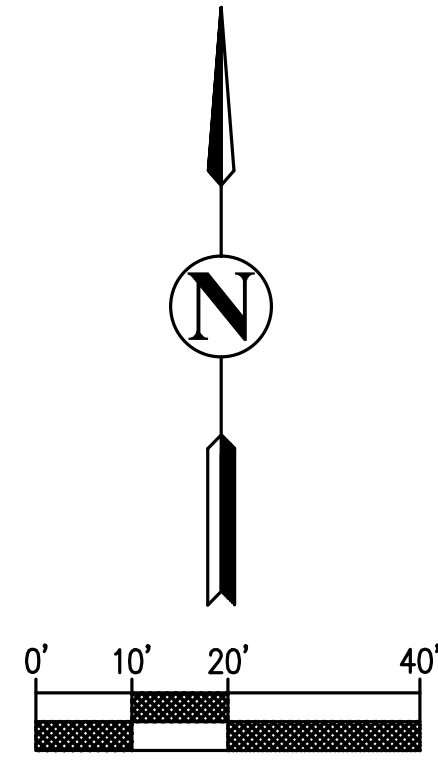
The Dry Creek General Store is a legal, nonconforming use that includes a bar and sales of alcoholic beverages for both off-premise as well as on-premise consumption. The Store (including the bar) hours are:

Sunday through Thursday from 7am to 10pm

Friday and Saturday from 7am to 11pm







NOTES:  
1. RETAINING WALL BUILDING PERMIT, AND ENCROACHMENT PERMITS WILL BE APPLIED FOR FOLLOWING DESIGN REVIEW AND USE PERMIT APPROVAL.

REVISION	DESCRIPTION	BY	DATE

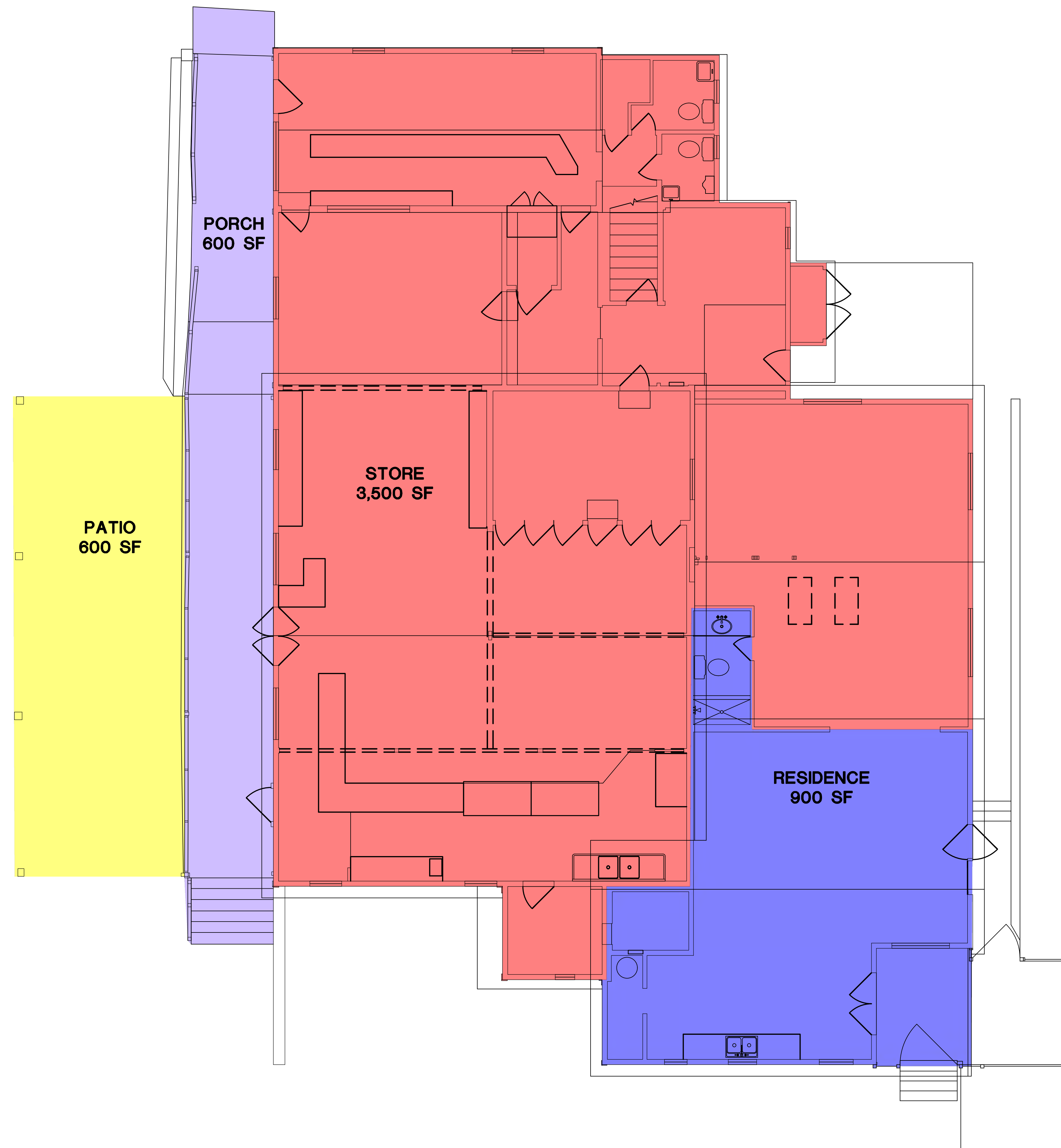
**Atterbury & Associates, Inc.**  
**Civil Engineering - Land Planning**  
16109 Healdsburg Avenue, Suite D, Healdsburg, CA 95448  
Phone: (707) 435-0134; Fax: (707) 435-0135

**PROPOSED SITE PLAN**  
DRY CREEK STORE  
3495 DRY CREEK ROAD  
GEYSERVILLE, CA 95441

Date:	06/19/2018
Scale:	1" = 20'
Drawn:	MM
APN:	090-160-029
Job:	16-64
Sheet:	C1
1 of 1	

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March 2, 2018

Ms. Niki Vasquez  
Dry Creek General Store  
3495 Dry Creek Road  
Healdsburg, CA 95448

## **Access Evaluation for the Dry Creek General Store**

Dear Ms. Vasquez;

As requested, we have reviewed site plans for modifications to the frontage of the Dry Creek General Store that would result in a one-way circulation pattern on-site and more formalized parking along the site's frontage. A copy of the site plan used in this review is provided for reference.

### **Proposed Changes**

The proposed modifications consist primarily of widening the existing paved width of Dry Creek Road to the northeast, toward the store, to create a 9-foot parking lane and 5-foot walkway, adding a retaining wall along the edge of the walkway, and constructing a staircase connecting the street level to the parking lot level. Additionally, the site's frontage on Dry Creek Road would be marked as a formal parking area, resulting in a one-way travel restriction from southeast to northwest through the site. According to the site plan, one-way arrows would be painted on the driveway to delineate this pattern.

### **One-Way Circulation**

Operation of the one-way circulation system was reviewed. As proposed, drivers would enter at the southeast, and exit at the northeast end of the site. Upon exiting the site a driver would enter a driveways shared with the adjacent property that forms the fourth leg of the all-way stop-controlled intersection with Lambert Bridge Road. Because the intersection has stop signs on all approaches, drivers exiting the site would be afforded a protected movement, which has an associated safety benefit.

To enter the site drivers would turn in at the southeasterly end of the site. Given that many drivers stop at the store on their way out into Dry Creek Valley to taste wine, most of the entering traffic will be right turns at the driveway. However, counts obtained in October 2016 (during harvest) were used to perform a sensitivity analysis to determine if a left-turn pocket would be required. Even with those actual volumes doubled, more than 30 vehicles per hour could turn into the driveway without warranting a left-turn pocket.

Based on this review it is anticipated that access and egress to the site will operate acceptably as proposed. It is, however, suggested that signing indicating "Do not Enter" be installed at the northwest end of the driveway to reinforce the one-way scheme.

### **Pedestrian Access**

Concern has been expressed that if there is a staircase at the middle of the frontage, as proposed, it will attract some customers to cross Dry Creek Road at that location. However, anyone who parks on the opposite side of Dry Creek Road can reasonably be expected to cross the street at their first opportunity, regardless of where the staircase is located. If a driver finds an open space to park very near the intersection they might walk back to the intersection to cross, or they might walk across wherever they are, then use the staircase to get to the site. Given the rural nature of the site and lack of pedestrian amenities other than shoulders, pedestrian activity is not going to be channelized the way it is in an urban environment where there are sidewalks and crosswalks.

Drivers approaching this area are either entering or departing a stop-controlled intersection, so they are moving quite slowly. Pedestrians getting out of their vehicles will look for a gap in traffic, perhaps moving along the edge of the roadway while there is a driver approaching, then cross when it is clear. If they can use the walkway northeast of the parking area, that gives them much safer passage than having to walk all the way along the southwest side of the street to the intersection to cross there.

Consideration was given to the need for a crosswalk, and while such an installation at the intersection may appear beneficial, a crosswalk is not recommended because there is nowhere to go on the southwest side of the intersection, so it would be a crosswalk to "nowhere." To access it from south of the intersections pedestrians would need to walk along the shoulder for a longer distance rather than crossing over and using the new walkway along the frontage.

While pedestrian facilities are lacking in the area, the addition of the walkway along the frontage improves conditions compared to what exists today, and the staircase funnels all pedestrian traffic coming from Dry Creek Road to one location where they can access to the store. This is a marked improvement over the existing condition wherein pedestrians must walk in the driveway.

## **Bicycle Access**

A concern has been expressed by a nearby neighbor that the proposed improvements would preclude the installation of a Class II bike lane on Dry Creek Road, as called for in the County's *Bicycle and Pedestrian Master Plan*. A review of the enclosed site plan shows that the bike lane is provided for, and would be striped as part of the improvements.

## **Parking Supply**

The project as proposed includes a total of 25 parking spaces, of which four are for motorcycles and eight are along Dry Creek Road. Based on application of the County's zoning code requirements for one space per 200 square feet of floor space, the store requires 24 parking spaces. It is noted that the eight on-street spaces along Dry Creek Road would not normally be included as part of the site's supply. However, because the roadway is being widened to create spaces where they would not otherwise exist, it appears reasonable to include these on-street spaces as part of the site's parking supply. With the new on-street spaces included, the project's parking supply meets the County's requirements.

Thank you for giving us the opportunity to provide these services. Please let me know if you have any questions.

Sincerely,

Dalene J. Whitlock, PE, PTOE  
Principal

DJW/djw/SOX628.L1

Enclosure: Site Plan dated February 16, 2018

Copy to: Ms. Demae Rubins, Summit Engineering (via email)



**KJELDSSEN BIOLOGICAL CONSULTING**  
Chris K. Kjeldsen Ph.D., Botany  
Daniel T. Kjeldsen B.S., Natural Resource Management  
923 St. Helena Ave.  
Santa Rosa, CA 95404

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**Date:** February 14, 2018

**To:** **Summit Engineering, Inc.**  
463 Aviation Blvd, Ste 200  
Santa Rosa, CA 95403

**Subject:** **Biological Review**  
Dry Creek General Store Parking Improvements  
3495 Dry Creek Rd  
Healdsburg

## **BACKGROUND**

This biological review was undertaken at the request of Summit Engineering, Inc. The project proposes drainage and parking improvements for the Dry Creek General Store north west of Healdsburg at 3495 Dry creek Road. See attached site plan.

## **METHODOLOGY**

Our fieldwork was conducted by walking the proposed project area with two personnel. Our fieldwork analyzed the proposed improvements based on the site plan developed by Summit Engineering. The project site was evaluated to determine if there area any potential biological issues. The findings presented below are the results of fieldwork conducted on January 17, 19, and February 12, 2018 by Kjeldsen Biological Consulting.

The scoping for the study area considered location and type of habitat and or vegetation types present or associated with potential special-status plant species known for the Quadrangle, surrounding Quadrangles, the County or the region. Our scoping also considered records in the most recent version of the Department of Fish and Wildlife California Natural Diversity Data Base (CDFW CNDDDB Rare Find), and U.S. Fish and Wildlife species list for the property. "Target" special-status species are those listed by the State or Federal government as endangered or threatened in the region. Our scoping is also a function of our familiarity with the local flora and fauna as well as previous projects on other properties in the area.

### **Plants**

Field surveys were conducted identifying and recording all species on the site and along the edges of the proposed project area. The open nature of the site, on-going maintenance practices, and size of the project footprint facilitated our field studies.

Habitat is a key characteristic for consideration of special-status species in the region. Many special-status species are rare in nature because of their specific and often very narrow habitat or environmental requirements. A site evaluation based on habitat or environmental conditions is therefore a reliable method for including or excluding the possibility of special-status species in an area.

All plants living or remains from previous years growth on the project site and along the edge of the site were identified and are listed in Appendix A.

### **Animals**

Animals and wildlife were identified in the area by their sight, sign, or call. Our field techniques consisted of walking the length and perimeter of the proposed project area.

Trees near the project site were surveyed to determine whether occupied raptor nests were present within the proximity of the property (i.e., within a minimum 500 feet of the area to be disturbed).

Potential bat breeding habitat was surveyed for within 200 feet of the proposed project by looking for roosting habitat. All animal life observed was recorded and is presented in Appendix A.

### **Wildlife Movement**

Aerial photos were reviewed to evaluate the habitat surrounding the site and the potential for wildlife movement, or wildlife corridors from adjoining properties onto or through the project site. No game cameras, trackplates, or other field equipment were used.

### **Wetlands**

The property was reviewed to determine from existing environmental conditions with a combination of vegetation, soils, and hydrologic information if seasonal wetlands were present. Wetlands were evaluated using the ACOE's three-parameter approach: Vegetation, Hydrology, and Soils.

### **Waters of the U. S. (WOTUS)**

Waters of the U.S. are defined as wetlands, ponds, lakes, creeks, streams, rivers, ephemeral drainages, ditches and seasonally ponded areas (EPA and ACOE rule August 28, 2015). Seasonal stream channels with a definable bed and bank fall within the jurisdiction of (EPA, ACOE and CDFW). "Waters of the State" are determined by the evaluation of continuity, "ordinary high water mark," a definable bed and bank, evidence of or ability to transport sediment and/or a blue line on USGS Quadrangle Map.

## **EXISTING SITE CONDITIONS**

The property was reviewed on January 17, 19, and February 12, 2018. The following photographs document the existing conditions at the project site. No water was observed in the roadside ditch during any of our site visits.





**Figure 1.** View of the roadside ditch to be piped. Note: lack of flow or OHWM.



**Figure 2.** View illustrating the typical habitat at the project site.





**Figure 3.** Culvert will be installed through this area.



**Figure 4.** View of area where the proposed culvert will enter into an existing culvert.



## **Site Description**

The project site consists of a maintained roadside ditch, paved hardscape of entrance and exit paved driveways and open area of sheet flow with a few trees. The project area is a developed landscape that has been routinely maintained and landscaped. The vegetation observed associated with the project footprint consists of weed species, landscape plantings and on the south east side of the project, Coast Live Oak trees.

The vegetation of the open drain ditch consists of ruderal weed species and does not contain any significant habitat for plants or animals. The roadside ditch does not contain sufficient flow or water to support invertebrates.

Drainage in the roadside ditch is generated from a drop inlet within a vineyard on the northwest side of the store. There is also a culvert on the north side of the driveway, which could convey water from the roadside ditch north of the property. It does not appear that any water would flow into the ditch from the northern roadside ditch. The majority of the water that would enter the ditch is from the vineyard to the north and water would only flow during storm events.

The project has the potential to remove a small amount of vegetation during construction of the culvert. The roadside ditch will be filled and a culvert installed. Flow will continue underground and enter via a drop structure into an existing culvert on an unnamed USGS blue line drainage.

No habitat for special-status plant or animal species is present on the project site. The potential for special-status plant species to occur within the developed and maintained site is low due to the existing use.

Plate II illustrates the records of special-status animal and plant species, which are present within a five-mile radius of the study site. There are no records of special-status animals or plants for the project site.

U.S. Army Corps of Engineers (ACOE) jurisdiction does not extend to swales or erosional features (e.g., gullies, small washes with low volume, infrequent or short duration flow). Upland ditches (including roadside ditches) excavated wholly in and draining only uplands are generally not considered jurisdictional unless there is a surface water connection between an adjacent wetland and waters of the US.

“Upland ditches (including roadside ditches) that do not carry relatively permanent flow generally do not fall under the jurisdiction of the Corps.” In most situations, it is not possible to document whether a ditch or channel within the project area has relatively permanent flows (continuous flows for at least three months). The presence of an Ordinary High Water Mark (OHWM) should be used as a baseline to establish the potential of relatively permanent flows and the need to contact the ACOE for a jurisdictional determination under Standard 1 (non-navigable tributary). The OHWM can be determined by defined bed and banks, or other physical indicators of flow may include such as shelving, wracking, water staining, sediment sorting and scour.

Significant nexus requires a hydrological (e.g., in terms of volume, duration, and frequency of flow) or ecological connection that has a substantial cumulative effect on the physical, chemical, or biological integrity.

## **FINDINGS**

Our findings are presented below;

- The project site consists of a roadside drainage ditch, hardscape of paved driveway, gravel driveway, landscape plantings, and roadside fallow area. There is no surface water connection between any adjacent wetland or “Waters of the U.S.,” and the roadside ditch is excavated wholly in and draining only uplands;
- The road side ditch does not carry any permanent water flow. There is no evidence of an Ordinary High Water Mark (OHWM);
- The road side ditch does not have any ecological connection to “Waters of the U.S.” and the project will not have a substantial negative cumulative effect on the physical, chemical, or biological integrity in the area;
- No special-status plants or animals were present nor would one expect any special-status species based on habitat present;
- We find that the project is unlikely to impact any of the local or regional special-status species listed by the state or federal agencies;
- Coast Live Oaks on the south east end of the project site may be impacted by the trenching and undergrounding of the drainage;
- No bird nesting or nests were observed in trees surrounding the site. The project will not interfere with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites, and
- Best Management Practices must be implemented in the construction of the project.

## **RECOMMENDATIONS**

- Best Management Practices must be implemented in the construction of the project
- Water from the road side ditch will enter a USGS blue line drainage via a drop culvert into an existing underground culvert. The applicant should file a California Department of Fish and Game 1600 permit for connecting to an existing culvert on a mapped U.S. blue line creek.

- Trenching for the culvert should be in a manner that leaves all roots of Coast Live Oak over two (2) inches intact if possible. Any roots, over two inches, encountered during bank cuts shall be excavated by hand and exposed, roots shall be cut cleanly with a saw to minimize impacts to root and tree. All trenching work shall be overseen by a qualified arborist or biologist.
- If during construction the trees cannot be avoided and require removal, then it is recommended that the trees be compensated for. For each tree over six inches diameter at breast height (DBH) the applicant shall plant 5 one-gallon trees (or equivalent) of the same genus and species as the removed tree.

## SUMMARY

The project site does not contain any habitat for special-status species known for the Quadrangle, surrounding Quadrangles, or the region. The project site does not contain vegetation associates, habitat or edaphic conditions, which would support special-status species.

The project is not located within the designated critical habitat identified by the U.S. Fish and Wildlife Service for the Sonoma California Tiger Salamander or the California Red-legged Frog.

We find that the proposed project, with the implementation of Best Management Practices, will not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.

We find that the proposed project will not have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal wetlands, etc.) through direct removal, filling, hydrological interruption, or other means. The roadside ditch is not ACOE jurisdictional. Connection to the USGS blueline drainage will require consultation with California Department of Fish and Wildlife.

The proposed project with the implementation of Best Management Practices will not result in any potentially significant adverse biological impacts to the environment on site or off site.

Should you have any questions, please do not hesitate to contact us at: telephone (707) 544-3091, Email [kjeldsen@sonic.net](mailto:kjeldsen@sonic.net), or by fax (707)

Sincerely,

Kjeldsen Biological Consulting

**Plate I. Site and Location Map**

**Plate II. CDFW CNDDDB Map**

**Plate III. Aerial Photo**

**Plate IV. Site Plan**

## **Names and Qualifications of Field Investigators.**

**Chris K. Kjeldsen, Ph.D., Botany**, Oregon State University, Corvallis, Oregon. He has over forty years of professional experience in the study of California flora. He was a member of the Sonoma County Planning Commission and Board of Zoning (1972 to 1976). He taught botany at Sonoma State University for 35-years. He has over thirty years of experience in managing and conducting environmental projects involving impact assessment and preparation of compliance documents, Biological Assessments, DFW Habitat Assessments, DFW SB 34 Mitigation projects, ACOE Mitigation projects and State Parks and Recreation Biological Resource Studies. Experience includes conducting special-status species surveys, jurisdictional wetland delineations, general biological surveys, 404 and 1600 permitting, and consulting on various projects. A full resume is available upon request. He has a valid DFW collecting permit.

**Daniel T. Kjeldsen, B. S., Natural Resource Management**, California Polytechnic State University, San Luis Obispo, California. He spent 1994 to 1996 in the Peace Corps managing natural resources in Honduras, Central America. His work for the Peace Corps in Central America focused on watershed inventory, mapping and the development and implementation of a protection plan. He has over fifteen years of experience in conducting Biological Assessments, DFW Habitat Assessments, ACOE wetland delineations, wetland rehabilitation, and development of and implementation of mitigation projects and mitigation monitoring. He has received 3.2 continuing education units MCLE 27 hours in Determining Federal Wetlands Jurisdiction from the University of California Berkeley Extension. Attended Wildlife Society Workshop Falconiformes of Northern California Natural History and Management California Tiger Salamander 2003; Natural History and Management of Bats Symposium 2005; Western Pond Turtle Workshop 2007; Western Section Bat Workshop 2011, and Laguna Foundation & The Wildlife Project Rare Pond Species Survey Techniques 2009. A full resume is available upon request.





**Plate I. Location and Site Map**

(USGS Geyserville Quadrangle)

## Brady Phenicie

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**From:** Pete Parkinson <Pete.Parkinson@sonoma-county.org>  
**Sent:** Tuesday, November 22, 2011 7:30 PM  
**To:** 'Brady Phenicie'  
**Cc:** Ben Neuman; DeWayne Starnes; Jennifer Barrett  
**Subject:** RE: Dry Creek General Store

Mr. Phenicie,

I have now completed my review of the issues you have raised. This included a review of the binder of materials that you left with me back in October, discussions with several staff who are familiar with the store and a site visit last week by our Deputy Director/Chief Building Official. The following are my conclusions.

- Your most immediate concern when we met was with the sewage disposal problems on the site. Those appear to have been remedied by the successful completion of the new leach field. It took far longer than any of us wanted, but thankfully it's done.
- \* • Your longer term concern is whether the Dry Creek Store operates within its legal limits. You raised these issues with our Code Enforcement Manager, Ben Neuman, earlier this year. Ben addressed this question in several emails to you in May 2011, essentially finding that the store continued to operate legally as provided under the LC zoning district and the uses recognized by the County in the 1970s. Operational limits for historical commercial uses like the Dry Creek Store can be difficult to determine, but I believe Ben has made an appropriate determination in this case. Ben also addressed the parking issues that you have raised, finding that these were not a violation. Again, I believe that Ben provided correct responses to you on those issues and I see no reason to reopen those matters.
- \* • You also questioned the need for special event permits for the Thursday evening BBQs, pointing out that a prior owner had obtained permits for several events. Ben indicated that the events held by the prior owner included live music, thus the need for a special event permit. If the Dry Creek Store desires to hold events that feature live music in the future, a special event permit will be required. Special event permits are not required for the Thursday evening BBQs.

In summary, PRMD staff have found that the Dry Creek Store operates within legal limits. The Store, like other commercial establishments, has had periods greater and lesser success over the years. It appears to be more successful in recent years and this has brought more patrons and more activity, and I recognize that has had an effect on your home. But commercial establishments do change over time and our zoning regulations do not, as a general matter, regulate how "successful" a business can be. We do regulate physical expansion and significant changes in the nature of the use conducted on commercial properties, but our staff has found that these circumstances have not occurred at the Dry Creek Store.

Best regards,

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Resolution Number

County of Sonoma  
Santa Rosa, California

19 JULY 2018  
PLP17-0029  
Brian Keefer

RESOLUTION OF THE BOARD OF ZONING ADJUSTMENTS,  
COUNTY OF SONOMA, STATE OF CALIFORNIA, FINDING  
EXEMPTION FROM CEQA AND GRANTING A USE PERMIT TO  
DRY CREEK GENERAL STORE FOR PROPERTY LOCATED AT  
3485 DRY CREEK ROAD, HEALDSBURG; APN 090-160-029.

WHEREAS, the applicant, Chuck Conner for Dry Creek General Store, filed a Use Permit application with the Sonoma County Permit and Resource Management Department for a small alcoholic beverage retail establishment located at 3485 Dry Creek Road; landowner Amy M. Gallo Trustee of the Honoree-Josephine Therese Boisset et al Trust; APN 090-160-029; Zoned LC (Limited Commercial), HD (Historic District), SR (Scenic Resources), VOH (Valley Oak Habitat); Supervisorial District No 4; and

WHEREAS, staff concluded that this project is categorically exempt from CEQA per CEQA Guidelines section 15301; and

WHEREAS, in accordance with the provisions of law, the Board of Zoning Adjustments held a public hearing on 19 July 2018, at which time the Board of Zoning Adjustments heard and received all relevant testimony and evidence presented orally or in writing regarding the Project. All interested persons were given an opportunity to hear and be heard regarding the CEQA exemption determination and the Project; and

WHEREAS, the Board of Zoning Adjustments has had an opportunity to review this Resolution and finds that it accurately sets forth the intentions of the Board regarding the Project.

NOW, THEREFORE, BE IT RESOLVED that the Board of Zoning Adjustments makes the following findings:

1. The project is exempt from CEQA per CEQA Guidelines section 15301, because the project is an existing facility and the project involves negligible or no expansion of the use, and the proposed improvements do not result in environmental impacts. The specific circumstances are:
  - a. The approval of the Use Permit to formalize the alcohol sales constitutes negligible or no expansion of the existing use, because the Dry Creek General Store has been in continuous operation since its establishment in 1881. And while the specifics of the business have adjusted to the demands of the times, it has always maintained a base business of retail sales of food and alcohol. The retail sales of alcohol are accessory to the sales of prepared food and dry goods.
  - b. The proposed site and street frontage improvements do not result in environmental impacts, based on the biological review prepared for the project that concludes that the project site does not contain any habitat for special-status species and



does not contain vegetation associates, habitat or edaphic conditions that would support special-status species; that the project will not have a substantial adverse effect on federally protected wetlands; and that the proposed project with the implementation of Best Management Practices will not result in any potentially significant adverse biological impacts to the environment on or off site.

2. The proposed project is consistent with the General Plan, for the following reasons:
  - a. The project is consistent with the Limited Commercial designation of the General Plan, and Policy LU-13c, which allows “*retail sales and services for the daily self sufficiency of local rural or urban neighborhoods or communities in keeping with their character,*” because the small alcoholic beverage retail sales is consistent with the historic use of the property, and provides a popular service to the community.
  - b. The project is consistent with General Plan Policy LU-13c, which reads, “*Additional development in the "Limited Commercial" category for the Alexander Valley Store, Dry Creek Store, and Jimtown Store shall not include lodgings or restaurants and shall not adversely affect adjacent agricultural or resource uses,*” because the proposed project is not “additional development,” the application does not include a restaurant, and the re-establishment of the small alcoholic beverage retail establishment, as conditioned, will not adversely affect adjacent agricultural or resource uses.
3. The proposed project is consistent with the site’s zoning.
  - a. The small alcoholic beverage retail establishment and bar and associated improvements are consistent with the Limited Commercial Zoning Designation, because the designation allows the establishment of alcohol related businesses with a Use Permit subject to the standards in Section 26-88-195.
  - b. The project is consistent with Section 26-88-195 (a), because 1) The project does not result in an overconcentration of alcohol licenses; 2) The amount of alcohol related incidents within a one-half mile radius of the premises was far lower than the county-wide average when the alcohol sales were occurring at the site; and 3) the site plan includes design features to reduce alcohol-related problems, such as open areas and cameras to allow surveillance of the property and property lines and installation of signs to restrict open containers of alcoholic beverages beyond controlled areas. The project is also consistent with Section 26-88-195 (b), because there are no schools, day care centers, parks, recreation facilities, places of religious assembly, or other alcoholic beverage retail establishments within 1,000 feet of the subject property.
4. The establishment, maintenance or operation of the use for which application is made will not, under the circumstances of this particular case, be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood of such use, nor be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the area. The particular circumstances in this case are:
  - a) The Store will be the only business selling both beer and wine as an alcoholic beverage retail establishment in a half-mile radius;
  - b) The average alcohol-related incidents within ½ mile of each Type 41 ABC licensed business in 2016 in the jurisdiction of Sonoma County was 13.745. In



- comparison, there were three (3) alcohol-related incidents within ½ mile of the Dry Creek General Store in the same year;
- c) The placement of the Store's seating discourages congregation, and the location allows the staff to monitor activities. A condition of approval will require the applicant to install and maintain signs saying, "No alcoholic beverages beyond this point" at the edges of the seating areas to prevent patrons from carrying open containers outside of the controlled areas. The Store also has security cameras installed to monitor the on-site activities. As included in the project description and in a recommended condition of approval, the Store will have trained staff monitor the parking during busy times to keep patrons from blocking neighboring driveways and access ways, and monitor the site for open containers and objectionable behavior.
  - d) The improvements to add parking in the right-of-way at the frontage of the property and on the opposite side of the street, reorganization and formalization of on-site parking and circulation, improves neighborhood compatibility and traffic safety.

BE IT FURTHER RESOLVED that the Board of Zoning Adjustments hereby grants the requested Use Permit, subject to the Conditions of Approval in Exhibit "A", attached hereto.

BE IT FURTHER RESOLVED that the Board of Zoning Adjustments designates the Secretary as the custodian of the documents and other material which constitute the record of proceedings upon which the Board's decision herein is based. These documents may be found at the office of the Sonoma County Permit and Resource Management Department, 2550 Ventura Avenue, Santa Rosa, CA 95403.

BE IT FURTHER RESOLVED that the Board of Zoning Adjustments' action shall be final on the 11<sup>th</sup> day after the date of the Resolution unless an appeal is taken.

THE FOREGOING RESOLUTION was introduced by Commissioner \_\_\_\_\_, who moved its adoption, seconded by Commissioner \_\_\_\_\_, and adopted on roll call by the following vote:

Commissioner  
Commissioner  
Commissioner  
Commissioner  
Commissioner

Ayes:      Noes:      Absent:      Abstain:

WHEREUPON, the Chair declared the above and foregoing Resolution duly adopted; and

SO ORDERED.